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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
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11 NICOLE A. HARDIN,

No. CIV S-05-0381-WBS-CMK

12 Plaintiff,

13 vs.

ORDER

14 JO ANNE B. BARNHART,  
15 Commissioner of Social Security,

16 Defendant.  
17 \_\_\_\_\_/

18 Plaintiff, who is proceeding with retained counsel, brings this action for judicial  
19 review of a final decision of the Commissioner of Social Security under 42 U.S.C. § 405(g).

20 The matter was referred to a United States Magistrate Judge pursuant to Eastern District of  
21 California local rules.

22 On August 23, 2006, the magistrate judge filed findings and recommendations  
23 herein which were served on plaintiff and which contained notice to plaintiff that any objections  
24 to the findings and recommendations were to be filed within ten days. Neither party has filed  
25 objections to the findings and recommendations.

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1 The court has reviewed the file and finds the findings and recommendations to be  
2 supported by the record and by the magistrate judge's analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations filed August 23, 2006, are adopted in  
5 full;

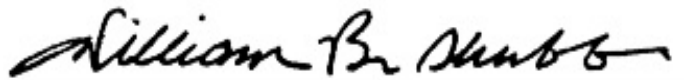
6 2. Plaintiff's motion for summary judgment is granted;

7 3. The Commissioner's cross motion for summary judgment is denied;

8 4. This matter is remanded pursuant to 42 U.S.C. § 405(g) for further  
9 proceedings consistent with the August 23, 2006, findings and recommendations; and

10 5. The Clerk of the Court is directed to enter judgment and close this file.

11 Dated: September 19, 2006

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14 WILLIAM B. SHUBB  
15 UNITED STATES DISTRICT JUDGE  
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